



STATE OF WASHINGTON  
WASHINGTON STATE BOARD OF HEALTH  
1102 SE Quince Street • PO Box 47990  
Olympia, Washington 98504-7990

February 18, 2004

The Honorable Steve Conway, Chair  
House Commerce and Labor Committee  
Post Office Box 40600  
307 John L. O'Brien Building  
Olympia, Washington 98504-0600

Dear Representative Conway:

I am writing as chair of the Washington State Board of Health and the Genetics Task Force (GTF) to share the GTF's research and recommendations relevant to Engrossed Senate Bill 6180. The legislation makes it unlawful for an employer to require an employee to submit genetic information or to be screened for genetic information as a condition of employment.

In 2002, the Board convened the GTF as required by the legislature. The broadly based group of 22 state and national experts in genetics, civil rights, research, medical ethics, regulatory matters, biotechnology, business, insurance and more transmitted their final report to the legislature early last year. While the GTF did not recommend the specific policy reflected in ESB 6180, it did make specific findings, conclusions and recommendations on related subjects that I believe support the spirit and intent of ESB 6180. I have included a copy of the final report for your information. ESB 6180 appears to respond to Recommendation 1.3 of the report that calls for inclusion of genetic information within the list of conditions that receive protection against discrimination.

After researching the very complex patchwork of state and federal rules and laws governing civil rights and privacy protection in relation to genetic information, and after considering this information and public testimony in five day long, public meetings, the majority of the GTF recommended the following:

*"Change the Washington Law Against Discrimination (Chapter 49.60 RCW) to explicitly include 'genetic information' in the list of characteristics that receive protection under the law. The GTF recommends that genetic information be defined as information about inherited characteristics derived from a DNA-based or other laboratory test, family history or other medical examination."*

Page six of the report includes a summary of several GTF members' dissenting opinions on this recommendation. The dissenter's statements do not reflect opposition to a policy of protection against discrimination based on genetic information, but rather a questioning of the need for such an explicit statutory prohibition given the GTF's findings that other rules, court opinions and relevant state and federal agency interpretations of existing law appear to provide such

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protection. Proponents of the recommendation supported it out of an abundance of caution that public policy be clear on this point.

Please note also, that several GTF members dissented from the majority recommendation on the definition of genetic information. Dissenters questioned the value and power of a definition as broad as the one recommended by the majority.

The Board appreciates the opportunity you provided us to convene the Genetics Task Force. We hope you find its final report and this information useful in your deliberations.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lake", with a stylized, flowing script.

Linda Lake

Chair, Washington State Board of Health

Enclosure

cc: House Commerce and Labor Committee Members  
Washington State Board of Health Members  
Don Sloma, State Board of Health  
Ree Sailors, Governor's Office of Health Policy  
Mich'l Needham, Governor's Office of Health Policy  
Steve Meyer, Department of Health